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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,938	03/28/2001	Ralf Fuchs	20981.010	2209

7590

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Dalbert U Shefte
Kennedy Covington Lobdell & Hickman
Bank of America Corporate Center
100 North Tryon Street Suite 4200
Charlotte, NC 28202-4006

EXAMINER

LAMB, BRENDA A

ART UNIT

PAPER NUMBER

1734

16

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/743,938

Applicant(s)

Fuchs et al

Examiner

LAMB

Group Art Unit

1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 11/24/03 and 3/12/03.
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-8 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-8 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Claims 5 and 7 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 5 depends on itself. Claim 7 depends on itself.

Claims 5 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 is confusing since it is unclear whether applicant intended claim 8 to depend on claim 7 and not on claim 6 since claim 7 sets forth what a free segment encompasses or if not applicant needs to clarify what a free segment encompasses. Claim 5 is confusing since it is unclear whether applicant intended claim 5 to depend on claim 4 since claim 4 sets forth what a free segment encompasses or if not applicant needs to clarify what a free segment encompasses.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over German 4237962 in view of Bisang et al.

German '962 teaches the design of a sizing apparatus for sizing a warp yarn sheet which is comprised of the following elements: a sizing compartment for contacting the warp yarn sheet with size; a squeezer/mangle for squeezing the sized warp yarn sheet; means for pre-wetting the sized warp yarn sheet with water; and means for squeezing the pre-wetted warp yarn sheet. German '962 fails to teach the combination of pre-wetting means and wetting agent squeezer which claimed by applicant as a draw-in unit is comprised of 3 rollers and the three rollers forming in the conveying direction of the yarn sheet a first squeezing gap and a second squeezing gap.

However, it would have been obvious to modify the German '962 apparatus by substituting its wetting and squeezing/sizing roller unit with another wetting/dipping and squeezing/sizing roller such as taught by Bisang et al for the obvious advantages of the Bisang et al unit - compactness. With respect to claim 2, Bisang et al shows in Figure a first wetting agent supply in a nip above the first squeezing gap between first and second rollers and a second wetting agent supply through which the second roller rotates and dips the yarn sheet. With respect to claims 3 and 6, Bisang et al shows the second and third roller are arranged in the nanner set forth in the instant claims. With

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respect to claims 4 and 7, German '962 shows the yarn sheet is conveyed unsupported between the first roller of the sizing compartment and the third roller of the draw-in unit.

Applicant's arguments filed 1/24/03 and 3/12/03 have been fully considered but they are not persuasive.

Applicant's argument that Bisang et al and DE '962 each fails to teach a draw-in unit that multi-functionally serves as a tensioning unit, a pre-wetting means, and as a wetting agent squeezer is found to be non-persuasive since it is not commensurate in the scope with claim limitations with claims failing to positively set forth a draw-in unit tensions the yarn sheet. Rolls 10, 11 in Bisang et al are driven and therefore provides for driving/drawing the yarn sheet into the liquid trough/wetting agent supply thereby reading on a draw-in unit.

Applicant's argument that Bisang et al and DE '962 fails to mention or show a squeezer utilizing three rollers is found to be non-persuasive since the claims are open with the term "comprising" to more than three rollers such as the Bisang et al four roll squeezing unit.

Note applicant in responding to the final office action, applicant needs to amend the specification to give a brief description of the drawings (see MPEP 608.01(f)).

Claims 5 and 8 would be allowable if rewritten to overcome the rejection (s) under 35 U.S.C. 112 set forth in this office action and to include all of the limitations of the base claim and any intervening claims.

Note the examiner in allowing claim 8 has assumed that applicant intended that claim 8 depend on claim 7 not on claim 6 since claim 7 sets forth what a free segment

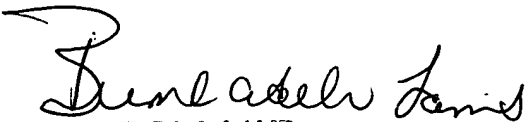
encompasses. Note the examiner in allowing claim 5 has assumed that applicant intended that claim 5 depend on claim 4 and not itself since claim 5 sets forth what a free segment encompasses.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Brenda Lamb at telephone number 703-308-2056. The examiner can normally be reached on Monday and Wednesday through Friday with alternate Tuesdays off.

B. A. Lamb/mn
June 3, 2003


BRENDA A. LAMB
PRIMARY EXAMINER